

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 502

Introduced by Senator Kehoe

February 18, 2005

An act to amend Section 51182 of the Government Code, to amend Section 14875 of the Health and Safety Code, and to amend Section 4291 of the Public Resources Code, relating to vegetation management.

LEGISLATIVE COUNSEL'S DIGEST

SB 502, as amended, Kehoe. Weed and vegetation management.

Existing law, relating to fire protection, requires firebreaks with respect to the maintenance of flammable vegetation or other combustible growth around occupied buildings located within very high fire hazard severity zones, as designated. Existing law exempts certain vegetation from those requirements.

This bill would revise that exemption, as specified.

Existing law defines the term "weeds" for the purposes of the abatement of hazardous weeds and rubbish as a public nuisance.

This bill would revise that definition, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51182 of the Government Code is
2 amended to read:
3 51182. (a) Any person who owns, leases, controls, operates,
4 or maintains any occupied dwelling or occupied structure in,

1 upon, or adjoining any mountainous area, forest-covered land,
2 brush-covered land, grass-covered land, or any land that is
3 covered with flammable material, which area or land is within a
4 very high fire hazard severity zone designated by the local
5 agency pursuant to Section 51179, shall at all times do all of the
6 following:

7 (1) Maintain around and adjacent to the occupied dwelling or
8 occupied structure a firebreak made by removing and clearing
9 away, for a distance of not less than 30 feet on each side thereof
10 or to the property line, whichever is nearer, all flammable
11 vegetation or other combustible growth. This paragraph does not
12 apply to single specimens of trees or other vegetation that is
13 well-pruned and maintained so as to effectively manage fuels and
14 not form a means of rapidly transmitting fire from other nearby
15 vegetation to any dwelling or structure.

16 (2) Maintain around and adjacent to the occupied dwelling or
17 occupied structure additional fire protection or firebreaks made
18 by removing all brush, flammable vegetation, or combustible
19 growth that is located within 100 feet from the occupied dwelling
20 or occupied structure or to the property line, or at a greater
21 distance if required by state law, or local ordinance, rule, or
22 regulation. This section does not prevent an insurance company
23 that insures an occupied dwelling or occupied structure from
24 requiring the owner of the dwelling or structure to maintain a
25 firebreak of more than 100 feet around the dwelling or structure
26 if a hazardous condition warrants such a firebreak of a greater
27 distance. Grass and other vegetation located more than 30 feet
28 from the dwelling or structure and less than 18 inches in height
29 above the ground may be maintained where necessary to stabilize
30 the soil and prevent erosion. *This paragraph does not apply to*
31 *single specimens of trees or other vegetation that is well-pruned*
32 *and maintained so as to effectively manage fuels and not form a*
33 *means of rapidly transmitting fire from other nearby vegetation*
34 *to a dwelling or structure.*

35 (3) Remove that portion of any tree that extends within 10 feet
36 of the outlet of any chimney or stovepipe.

37 (4) Maintain any tree adjacent to or overhanging any building
38 free of dead or dying wood.

39 (5) Maintain the roof of any structure free of leaves, needles,
40 or other dead vegetative growth.

(6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed and installed in accordance with the California Building Standards Code.

(7) Prior to constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in such zone, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(b) A person is not required under this section to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon or to damage property that is owned by any other person without the consent of the owner of the property.

SEC. 2. Section 14875 of the Health and Safety Code is amended to read:

14875. "Weeds," as used in this part, means vegetation growing upon streets, sidewalks, or private property in any county, including any fire protection district and may include any of the following:

(a) Vegetation that bears seeds of a downy or wingy nature.

(b) Vegetation that is not pruned or is otherwise neglected so as to attain such large growth as to become, when dry, a fire menace to adjacent improved property.

(c) Vegetation that is otherwise noxious or dangerous.

1 (d) Poison oak and poison ivy when the conditions of growth
2 are such as to constitute a menace to the public health.

3 (e) Dry grass, stubble, brush, litter, or other flammable
4 material which endangers the public safety by creating a fire
5 hazard in an urbanized portion of an unincorporated area which
6 has been zoned for single and multiple residence purposes.

7 SEC. 3. Section 4291 of the Public Resources Code is
8 amended to read:

9 4291. A person that owns, leases, controls, operates, or
10 maintains a building or structure in, upon, or adjoining any
11 mountainous area, forest-covered lands, brush-covered lands,
12 grass-covered lands, or any land that is covered with flammable
13 material, shall at all times do all of the following:

14 (a) Maintain around and adjacent to the building or structure a
15 firebreak made by removing and clearing away, for a distance of
16 not less than 30 feet on each side of the building or structure or to
17 the property line, whichever is nearer, all flammable vegetation
18 or other combustible growth. This subdivision does not apply to
19 single specimens of trees or other vegetation that is well-pruned
20 and maintained so as to effectively manage fuels and not form a
21 means of rapidly transmitting fire from other nearby vegetation
22 to any building or structure.

23 (b) Maintain around and adjacent to the building or structure
24 additional fire protection or firebreak made by removing all
25 brush, flammable vegetation, or combustible growth that is
26 located within 100 feet from the building or structure or to the
27 property line or at a greater distance if required by state law, or
28 local ordinance, rule, or regulation. This section does not prevent
29 an insurance company that insures a building or structure from
30 requiring the owner of the building or structure to maintain a
31 firebreak of more than 100 feet around the building or structure.
32 Grass and other vegetation located more than 30 feet from the
33 building or structure and less than 18 inches in height above the
34 ground may be maintained where necessary to stabilize the soil
35 and prevent erosion. *This subdivision does not apply to single
36 specimens of trees or other vegetation that is well-pruned and
37 maintained so as to effectively manage fuels and not form a
38 means of rapidly transmitting fire from other nearby vegetation
39 to a dwelling or structure.*

1 (c) Remove that portion of any tree that extends within 10 feet
2 of the outlet of a chimney or stovepipe.

3 (d) Maintain any tree adjacent to or overhanging a building
4 free of dead or dying wood.

5 (e) Maintain the roof of a structure free of leaves, needles, or
6 other dead vegetative growth.

7 (f) Provide and maintain at all times a screen over the outlet of
8 every chimney or stovepipe that is attached to a fireplace, stove,
9 or other device that burns any solid or liquid fuel. The screen
10 shall be constructed of nonflammable material with openings of
11 not more than one-half inch in size.

12 (g) Prior to constructing a new building or structure or
13 rebuilding a building or structure damaged by a fire in such an
14 area, the construction or rebuilding of which requires a building
15 permit, the owner shall obtain a certification from the local
16 building official that the dwelling or structure, as proposed to be
17 built, complies with all applicable state and local building
18 standards, including those described in subdivision (b) of Section
19 51189 of the Government Code, and shall provide a copy of the
20 certification, upon request, to the insurer providing course of
21 construction insurance coverage for the building or structure.
22 Upon completion of the construction or rebuilding, the owner
23 shall obtain from the local building official, a copy of the final
24 inspection report that demonstrates that the dwelling or structure
25 was constructed in compliance with all applicable state and local
26 building standards, including those described in subdivision (b)
27 of Section 51189 of the Government Code, and shall provide a
28 copy of the report, upon request, to the property insurance carrier
29 that insures the dwelling or structure.

30 (h) Except as provided in Section 18930 of the Health and
31 Safety Code, the director may adopt regulations exempting
32 structures with exteriors constructed entirely of nonflammable
33 materials, or conditioned upon the contents and composition of
34 same, he or she may vary the requirements respecting the
35 removing or clearing away of flammable vegetation or other
36 combustible growth with respect to the area surrounding those
37 structures.

38 No exemption or variance shall apply unless and until the
39 occupant thereof, or if there is not an occupant, the owner
40 thereof, files with the department, in a form as the director shall

1 prescribe, a written consent to the inspection of the interior and
2 contents of the structure to ascertain whether this section and the
3 regulations adopted under this section are complied with at all
4 times.

5 (i) The director may authorize the removal of vegetation that is
6 not consistent with the standards of this section. The director may
7 prescribe a procedure for the removal of that vegetation and
8 make the expense a lien upon the building, structure, or grounds,
9 in the same manner that is applicable to a legislative body under
10 Section 51186 of the Government Code.

11 (j) As used in this section, “person” means a private
12 individual, organization, partnership, limited liability company,
13 or corporation.